

Senate File 538

S-3366

Amend Senate File 538 as follows:

1. Page 6, line 2, by striking <noncontract state and>

2. By striking page 7, line 28, through page 8, line 6, and inserting:

<Sec. _____. Section 7D.10, Code 2011, is amended to read as follows:

7D.10 Court costs.

If sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department, upon authorization by the executive council ~~may pay, out of any money in the state treasury~~ there is appropriated from moneys in the general fund of the state not otherwise appropriated, an amount sufficient to pay expenses incurred, or costs taxed to the state, in any proceeding brought by or against any of the state departments or in which the state is a party or is interested. This section shall not be construed to authorize the payment of travel or other personal expenses of state officers or employees.>

3. Page 8, line 15, by striking <subject to> and inserting <paid from the appropriations addressed in>

4. By striking page 8, line 32, through page 9, line 9, and inserting <~~otherwise appropriated.~~
The expenses authorized by the executive council in accordance with this section and the expenses authorized by the executive council in accordance with other statutory provisions referencing the appropriations addressed in this section shall be paid
as follows:

a. From the appropriation made from the Iowa economic emergency fund in section 8.55 for purposes of paying such expenses.

b. To the extent the appropriation from the Iowa economic emergency fund described in paragraph "a" is insufficient to pay such expenses, there is appropriated from moneys in the general fund of the state not otherwise appropriated the amount necessary to fund that deficiency.>

5. Page 10, by striking line 17 and inserting <council, as addressed in section 7D.29.>

6. Page 11, line 7, by striking <as an expense in accordance with> and inserting <and if authorized lease expense shall be paid from the appropriations addressed in>

7. Page 11, line 11, by striking <moneys> and inserting <moneys an expense authorization>

8. Page 11, line 17, by striking <as provided> and

1 inserting ~~<provided and may authorize the expenses to~~
2 ~~be paid from the appropriations addressed>~~
3 9. Page 11, line 35, by striking ~~<in accordance~~
4 ~~with>~~ and inserting ~~<, and if authorized shall be paid~~
5 ~~from the appropriations addressed in>~~
6 10. Page 12, line 2, by striking ~~<subsection 2,>~~
7 11. Page 12, after line 3 by inserting:
8 **<13.3 Disqualification — substitute.**
9 1. If, for any reason, the attorney general ~~be~~
10 ~~is~~ disqualified from appearing in any action or
11 proceeding, the executive council shall ~~appoint some~~
12 authorize the appointment of a suitable person for that
13 purpose and defray the. There is appropriated from
14 moneys in the general fund not otherwise appropriated
15 an amount necessary to pay the reasonable expense
16 thereof from any unappropriated funds in the state
17 treasury for the person appointed. The department
18 involved in the action or proceeding shall be requested
19 to recommend a suitable person to represent the
20 department and when the executive council concurs in
21 the recommendation, the person recommended shall be
22 appointed.>
23 12. Page 12, line 19, by striking ~~<employ>~~ and
24 inserting ~~<employ authorize employment of>~~
25 13. Page 12, lines 20 and 21, by striking
26 ~~<authorized as an expense under section 7D.29,>~~
27 14. Page 13, line 18, by striking ~~<under>~~ and
28 inserting ~~<paid from the appropriations addressed in>~~
29 15. Page 13, by striking lines 25 and 26 and
30 inserting ~~<fund, if authorized by the executive~~
31 ~~council, shall be paid from the appropriations~~
32 ~~addressed in section 7D.29. Moneys in the contingent~~
33 ~~fund may be>~~
34 16. Page 13, line 32, by striking ~~<under>~~ and
35 inserting ~~<from the appropriations addressed in>~~
36 17. Page 14, line 2, by striking ~~<under>~~ and
37 inserting ~~<from the appropriations addressed in>~~
38 18. Page 14, line 19, by striking ~~<under>~~ and
39 inserting ~~<from the appropriations addressed in>~~
40 19. Page 14, line 32, by striking ~~<under>~~ and
41 inserting ~~<from the appropriations addressed in>~~
42 20. Page 15, line 8, by striking ~~<under section~~
43 ~~7D.29>~~
44 21. Page 15, line 18, by striking ~~<under>~~ and
45 inserting ~~<from the appropriations addressed in>~~
46 22. Page 16, line 6, by striking ~~<under>~~ and
47 inserting ~~<from the appropriations addressed in>~~
48 23. Page 16, line 13, by striking ~~<paid as an~~
49 ~~expense under section 7D.29,>~~
50 24. Page 16, line 15, after ~~<appropriated.>~~ by

1 inserting <There is appropriated from moneys in the
2 general fund not otherwise appropriated an amount
3 necessary to pay the expense authorized by the
4 executive council.>

5 25. Page 16, line 23, by striking <as an expense
6 under section 7D.29>

7 26. Page 16, line 34, by striking <under> and
8 inserting <paid from the appropriations addressed in>

9 27. Page 18, line 5, by striking <under> and
10 inserting <from the appropriations addressed in>

11 28. Page 18, line 34, by striking <under> and
12 inserting <from the appropriations addressed in>

13 29. Page 19, line 7, by striking <under> and
14 inserting <from the appropriations addressed in>

15 30. Page 19, lines 32 and 33, by striking <, as
16 expenses under section 7.29,>

17 31. Page 20, lines 2 and 3, by striking <in
18 accordance with section 7D.29>

19 32. Page 20, line 3, after <authorized.> by
20 inserting <There is appropriated from moneys in the
21 general fund not otherwise appropriated an amount
22 necessary to pay the reimbursement authorized by the
23 executive council.>

24 33. Page 23, line 19, by striking <noncontract
25 state and>

26 34. Page 44, after line 33 by inserting:
27 <Sec. _____. Section 422.11S, subsection 7, paragraph
28 a, subparagraph (2), Code 2011, is amended to read as
29 follows:

30 (2) "*Total approved tax credits*" means for the
31 tax year beginning in the 2006 calendar year, two
32 million five hundred thousand dollars, for the tax
33 year beginning in the 2007 calendar year, five million
34 dollars, and for tax years beginning on or after
35 January 1, 2008, seven million five hundred thousand
36 dollars. However, for tax years beginning on or
37 after January 1, 2012, and only if legislation is
38 enacted by the eighty-fourth general assembly, 2011
39 session, amending section 257.8, subsections 1 and 2,
40 to establish both the state percent of growth and the
41 categorical state percent of growth for the budget
42 year beginning July 1, 2012, at three percent, "*total*
43 *approved tax credits*" means ten million dollars.>

44 35. Page 46, after line 10 by inserting:
45 <Sec. _____. Section 523I.102, subsection 6,
46 paragraph c, Code 2011, is amended to read as follows:

47 c. A pioneer cemetery. However, a pioneer
48 cemetery is a cemetery for purposes of sections
49 523I.316, 523I.317, 523I.401, and 523I.402.

50 36. Page 60, after line 32 by inserting:

1 <DIVISION

2 STATE FAIR AUTHORITY

3 Sec. _____. Section 173.1, subsection 4, Code 2011,
4 is amended to read as follows:

5 4. A treasurer to be elected by the board ~~who shall~~
6 ~~serve as a nonvoting member from the elected directors.~~

7 Sec. _____. REPEAL. Section 173.12, Code 2011, is
8 repealed.

9 DIVISION

10 CONTROLLED SUBSTANCES

11 Sec. _____. CONTROLLED SUBSTANCE COLLECTION AND
12 DISPOSAL PROGRAM. A person in possession of or a
13 retailer selling a controlled substance designated
14 in section 124.204, subsection 4, paragraph "ai",
15 subparagraphs (1) through (4), if enacted, shall
16 be required to transfer such controlled substance
17 to the department of public safety for destruction.
18 The department of public safety shall establish a
19 controlled substance collection and disposal program
20 for a controlled substance designated in section
21 124.204, subsection 4, paragraph "ai", subparagraphs
22 (1) through (4). The department of public safety
23 may partner with a third party, including a local
24 enforcement agency, to implement and administer the
25 program. The program shall be dissolved thirty days
26 after the enactment date of section 124.204, subsection
27 4, paragraph "ai", subparagraphs (1) through (4).

28 Sec. _____. APPLICABILITY — CRIMINAL
29 PENALTIES. Criminal penalties do not apply to
30 violations associated with the substances designated
31 controlled substances in section 124.204, subsection
32 4, paragraph "ai", subparagraphs (1) through (4), if
33 enacted, until thirty days after the enactment date
34 of section 124.204, subsection 4, paragraph "ai",
35 subparagraphs (1) through (4).

36 Sec. _____. 2011 Iowa Acts, Senate File 510, section
37 28, if enacted, is amended to read as follows:

38 SEC. 28. EFFECTIVE DATE. The following provision
39 of this division of this Act takes effect thirty days
40 after enactment, ~~notwithstanding section 3.7 of this~~
41 ~~Act or thirty days after the enactment of 2011 Iowa~~
42 ~~Acts, Senate File 538, if enacted, whichever is later:~~

43 The section of this division of this Act ~~amending~~
44 ~~enacting~~ section 124.204, subsection 4, paragraph "ai",
45 subparagraphs (1) through (4).

46 Sec. _____. 2011 Iowa Acts, Senate File 510, section
47 29, if enacted, is amended to read as follows:

48 SEC. 29. EFFECTIVE UPON ENACTMENT. The following
49 provision of this division of this Act, being deemed
50 of immediate importance, ~~and notwithstanding section~~

1 3.7 takes effect upon enactment of this Act or upon
2 enactment of 2011 Iowa Acts, Senate File 538, if
3 enacted, whichever is later:

4 The section of this Act amending enacting section
5 124.204, subsection 4, paragraph "ai", subparagraph
6 (5).

7 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
8 of this Act, being deemed of immediate importance,
9 takes effect upon enactment of this Act or upon the
10 enactment of 2011 Iowa Acts, Senate File 510, if
11 enacted, whichever is later.

12 DIVISION ____

13 RADIOS

14 Sec. _____. 2011 Iowa Acts, Senate File 509, section
15 22, subsections 2 and 3, if enacted, are amended to
16 read as follows:

17 2. ~~Of the amount appropriated in subsection 1,~~
18 ~~the department of natural resources may enter into~~
19 ~~a public-private partnership, through a competitive~~
20 ~~bidding process, for the provision of the statewide~~
21 ~~network and the purchase of compatible equipment. The~~
22 mobile radios purchased by the department pursuant
23 to subsection 1 shall be compatible with a statewide
24 public safety radio network created pursuant to
25 legislation enacted by the 2011 session of the general
26 assembly. The department shall purchase the mobile
27 radios after conducting a competitive bidding process.

28 3. On or before January 13, 2012, the department of
29 natural resources in cooperation with the department of
30 public safety shall provide a report to the legislative
31 services agency and the department of management.
32 The report shall detail the status of the moneys
33 appropriated in subsection 1 and shall include the
34 estimated needs of the department of natural resources
35 to achieve interoperability and to meet the federal
36 narrowbanding mandate, ~~and any changes in estimated~~
37 ~~costs to meet those needs, and the status of requests~~
38 ~~for proposals to develop a public-private partnership.~~

39 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
40 of this Act, being deemed of immediate importance,
41 takes effect upon enactment and, if approved by
42 the governor on or after July 1, 2011, shall apply
43 retroactively to June 30, 2011.>

44 37. Page 82, after line 3 by inserting:

45 <Sec. _____. Section 384.12, unnumbered paragraph
46 1, Code 2011, is amended by striking the unnumbered
47 paragraph and inserting in lieu thereof the following:
48 A city may certify taxes for deposit in the general
49 fund, subject to the limit provided in section 384.1
50 if applicable, which are in addition to any other

1 moneys the city may wish to spend for such purposes,
2 as follows:>
3 38. By renumbering as necessary.

ROBERT E. DVORSKY